

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,
Appellee,

v.

CHARLES ARTHUR CAGLE,
Appellant.

No. 2 CA-CR 2015-0200
Filed April 19, 2016

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.

Appeal from the Superior Court in Pima County
No. CR20123720001
The Honorable Danelle B. Liwski, Judge

AFFIRMED

COUNSEL

West, Elsberry, Longenbaugh & Zickerman, PLLC, Tucson
By Anne Elsberry
Counsel for Appellant

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MEMORANDUM DECISION

Judge Miller authored the decision of the Court, in which Presiding Judge Vásquez and Chief Judge Eckerstrom concurred.

M I L L E R, Judge:

¶1 After a jury trial, appellant Charles Cagle was convicted of multiple counts of weapons misconduct and possession of methamphetamine for sale and one count each of involving a minor in a drug offense and conspiracy to commit armed robbery. The trial court found he had two historical prior felony convictions and sentenced him to enhanced, presumptive prison terms, some concurrent and some consecutive, totaling 62.75 years.

¶2 Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing she has reviewed the record and has found no “arguable, meritorious issues” to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, she has provided a factual and procedural history of the case with citations to the record, and she asks this court to search the record for fundamental error. Cagle has not filed a supplemental brief.

¶3 We conclude substantial evidence supported the jury’s verdicts. In June 2012, a fifteen-year-old boy let undercover law enforcement officers into Cagle’s apartment, where Cagle, who was armed with a handgun, sold methamphetamine to one of the officers. The same undercover officer returned to the apartment twice in September 2012 to make additional purchases. Cagle was armed with a handgun during both visits and sold the officer methamphetamine on one occasion and, on both occasions, sold the officer guns, including a sawed-off shotgun and a sniper rifle. Cagle also agreed that he and his “crew” would assist the undercover officer in a home-invasion robbery, and he said he had made the

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sawed-off shotgun to “shoot [the] doors open” for that crime. Later that month, police officers executed a search warrant at the apartment and recovered additional methamphetamine and firearms. Cagle has at least two prior felony convictions. We further conclude Cagle’s sentences are authorized by statute and were imposed in a lawful manner. *See* A.R.S. §§ 13-703(C) and (J); 13-1003; 13-3102 (A)(3), (4), (8), and (14); 13-3407(A)(2); 13-3409(A)(1).

¶4 In our examination of the record, we have found no reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. Accordingly, we affirm Cagle’s convictions and sentences.